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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,963	11/13/2003	Wolf-Eckhart Bulst	071308.0484	9428
31625	7590	03/22/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			ALLEN, ANDRE J	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,963

Applicant(s)

BULST ET AL.

Examiner

Andre J. Allen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-19 is/are rejected.
- 7) ☐ Claim(s) 8-11, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3-2-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 13, 14, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dollinger et al (US 2003/0164713 A1). Dollinger discloses the claimed invention, a converter (1) for converting ambient energy (provided by a rolling tire, see paragraphs 30,38) to an alternating value (acoustic signal having a changing phase as the tire rolls relative to the fixed evaluation appliance, see paragraph 30), and a reflector (4) that is modulated via the alternating value, and having an antenna (7) and a transducer (6), where the device acts to measure backscatter of a signal (i.e., a backscatter transponder), the signal is high frequency, the tire measuring device is connected to the tire (and thus, to the tire cover, see paragraph 42 and Figure 2), and a method for performing the above steps.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dollinger et al (US 2003/0164713 A1).

Regarding claims 15 and 16 Dollinger teaches the claimed invention except for rim and multiple tire sensors. It would be obvious to one having

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dollinger et al (US 2003/0164713 A1).

Regarding claims 15 and 16 Dollinger teaches the claimed invention except for rim and multiple tire sensors. It would be obvious to one having ordinary skill in the art to use the invention of Dollinger in a system having a rim, since the use of rims in automobiles having tires is of notorious character and is old in the art. It would further be obvious to use multiple sensors, since the use of multiple tires in automobiles is of notorious character and is old in the art.

4. Claims 1-7 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (US 6739195) in view of Pidwerbetsky et al (US 6084530).

Regarding claims 1, 13, 15, 16 and 17 Evans et al teaches a converter for converting ambient energy to an alternating value (col. 4 lines 45-48)(col. 6 lines 1-10), Evans et al does not teach a reflector that can be modulated via the alternating value. Pidwerbetsky et al teaches a reflector that can be modulated via the alternating value (abstract) (col. 12 lines 44-48)(col. 2

Regarding claim 2 Evans et al in view of Pidworbetsky et al does not teach a electromagnetic reflector, however Evans et al as modified by Pidworbetsky et al does make reference to a reflector of RF radiation. Therefore it would have been obvious to a person having ordinary skill in the art of transmission circuitry at the time the invention was made to use whatever reflector readily available to the manufacturer at the time the invention was made for the purpose of enabling transmission that allows for communication between components for further processing.

Regarding claim 3 Evans teaches an antenna (col. 4 line 37)

Regarding claim 4 Evans does not teach a backscatter transponder. Pidworbetsky et al teaches a backscatter transponder (abstract). It would have been obvious to a person having ordinary skill in the art of transmission circuitry at the time the invention was made to modify the transmission arrangement taught by Evans et al with a backscatter as taught by Pidworbetsky et al for the purpose of transmitting frequency signals that are processed and notifies the user with respect to the condition of a tire.

Regarding claim 5 Evans et al teaches a sensor 101 for determining a measured value (col. 5 line 53)(col. 6 lines 1-15)

Regarding claims 6,7,18 and 19 Evans teaches the converting ambient energy to an alternating value as a function of a measured value (abstract lines 1-11)

Regarding claim 12 Evans teaches a piezoelectric fiber or is formed by one or several piezoelectric fibers (col. 5 lines 55-60).

Regarding claim 14 Evans teaches the tire measuring device is connected to the tire cover and/or vulcanized into the tire (col. 5 lines 55-60)

Allowable Subject Matter

4. Claims 8-11 and 20-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The above claims (8,9,11 20 and 21) are deemed to be a novel an unobvious improvement of a tire monitoring apparatus the apparatus comprising a first alternating value and a second alternating value wherein the first and second alternating values are

alternating values which are derived from an original alternating value that can be broken down and wherein, after the breakdown, the first and second alternating value can be influenced differently by a measured value, furthermore, a layer with a controllable dielectric.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre J. Allen whose telephone number is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André Allen
Patent Examiner
Art Unit 2855



MICHAEL CYGAN, PH.D.
PRIMARY EXAMINER